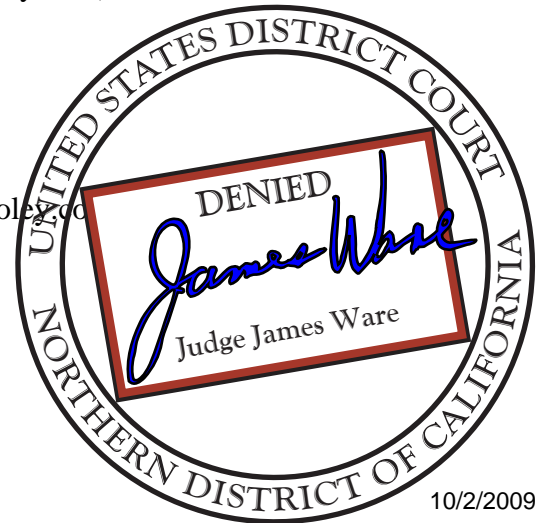


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Attorneys for Defendant eBay Inc.



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BRICE YINGLING D/B/A ALAMO
AUTOSPORTS AND ANDY SCOTT,

Plaintiffs,

v.

EBAY INC.,

Defendant.

Case No. C 09 01733 JW (PVT)

**STIPULATION AND REQUEST TO
CONTINUE HEARING ON DEFENDANT
EBAY INC.'S MOTION TO DISMISS**

1 Plaintiffs and Defendant file this stipulation and request to continue and reschedule the
 2 hearing on Defendant's motion to dismiss, currently set for hearing on October 5, 2009, to
 3 November 16, 2009, and state:

4 Counsel for Defendant has conferred with counsel for Plaintiffs about this stipulation and
 5 they jointly request that the Court continue the hearing on Defendant's motion to dismiss. In
 6 particular, lead counsel for Defendant, Michael G. Rhodes, has a conflict with the October 5,
 7 2009 hearing date on the motion to dismiss. Plaintiffs do not object to the requested relief.

8 Accordingly, Plaintiffs and Defendant stipulate to and request the following: a
 9 continuance and rescheduling of the hearing on Defendant's motion to dismiss [Docket #23] from
 10 October 5, 2009 to November 16, 2009.

11
 12 **AGREED:**

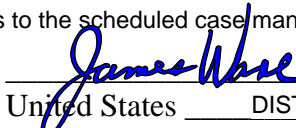
13
 14 By: /s/ Keith Verges
 15 Counsel for Plaintiffs
 16 Brice Yingling
 17 Andy Scott

By: /s/ Benjamin F. Chapman
 Counsel for Defendant
 eBay Inc.

18 **THE FOREGOING STIPULATION IS DENIED AND IS SO ORDERED.**

19 The parties shall appear for the scheduled hearing on the Motion to Dismiss. The Court has allotted ten (10) minutes
 20 per side for argument. The Court has issued a further Order as to the scheduled case management. Please see
 docket item no. 42 for specifics on further scheduled hearings.

Dated: October 2, 2009


 United States _____ DISTRICT _____ Judge

21
 22 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures,*
 23 *Benjamin F. Chapman hereby attests that concurrence in the filing of this document has been*
 24 *obtained.*